

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

JOHN C. MARR, as assignee                     )  
of Matthew T. Zirtzman,                     )  
   )  
          Plaintiff,                                 )  
   )  
v.   )  
   )  
USAA GENERAL INDEMNITY                    )  
COMPANY,                                        )  
   )  
          Defendant.                             )

CV418-094

**ORDER**

Plaintiff filed this bad-faith-failure-to-settle claim in the Northern District of Georgia on April 24, 2018.<sup>1</sup> *See* doc. 1. Before it was served, it was transferred to this District. *See* doc. 2. Since that transfer, it appears that plaintiff has taken no further action to serve the defendant or otherwise prosecute this case.

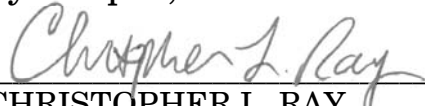
The Federal Rules provide that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice

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<sup>1</sup> The Court notes that the Complaint is undated. *See* doc. 1 at 12. The Court, therefore, relies on the date that the Complaint was filed by the Northern District’s Clerk of Court.

against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). The Rule’s 90-day period has long since passed. Plaintiff, therefore, is **DIRECTED** to respond within seven days and **SHOW CAUSE** why this case should not be dismissed for failure to serve the defendant or, alternatively, for failure to prosecute. *See id.*; *see also* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (recognizing courts’ power “to clear their calendars of cases that have remained dormant because of the inaction or dilatoriness of the parties seeking relief.”).

**SO ORDERED**, this 24th day of April, 2019.

  
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CHRISTOPHER L. RAY  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA